

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH P. GUTIERREZ,

No. C 11-4527 YGR (pr)

Petitioner,

**ORDER GRANTING PETITIONER'S  
REQUEST FOR EXTENSION OF TIME  
TO RESPOND TO THE COURT'S  
DECEMBER 14, 2011 ORDER OF  
DISMISSAL WITH LEAVE TO AMEND**

vs.

UNITED STATES OF AMERICA,

Respondent.


Before the Court is Petitioner's motion for an extension of time to respond to the Court's December 14, 2011 Order of Dismissal with Leave to Amend.

Good cause appearing, the request is GRANTED. The time in which Petitioner may respond will be extended up to and including **thirty (30) days** from the date of this Order. If Petitioner fails to respond within the thirty-day deadline, this case will be closed for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure. *See Link v. Wabash R.R.*, 370 U.S. 626, 633 (1962) (pursuant to Rule 41(b), a district court may *sua sponte* dismiss an action for failure to prosecute or to comply with a court order); *see also Malone v. United States Postal Serv.*, 833 F.2d 128, 133 (9th Cir. 1987) (the district court should afford the litigant prior notice before dismissing for failure to prosecute).

This Order terminates Docket no. 13.

IT IS SO ORDERED.

DATED: January 26, 2012

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE